

**AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE**

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Serial Number: 09/945,553

Dkt: 303.775US1

Filing Date: August 30, 2001

Title: METHOD TO CHEMICALLY REMOVE METAL IMPURITIES FROM POLYCIIDE GATE SIDEWALLS

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**REMARKS**

This responds to the Office Action mailed on July 13, 2007.

No claims are amended, claims 1, 9, 10, 14, 15 and 17 are canceled, and no claims are added; as a result, claims 5-7, 11-12, 18-22 and 30-35 are now pending in this application.

**§102 Rejection of the Claims**

Claims 1, 9, 10 and 17 were rejected under 35 U.S.C. § 102(a) for anticipation by Weimer et al. (U.S. Patent Publication No. 2001/0014522 A1). Applicant has cancelled claims 1, 9, 10 and 17 without prejudice herein, and requests this rejection be withdrawn in view of the cancellation of the claims in question.

Claims 9, 14 and 15 were rejected under 35 U.S.C. § 102(e) for anticipation by Wege et al. (U.S. Patent Publication No. 2002/0011461). Applicant has cancelled claims 9, 14 and 15 without prejudice herein, and requests this rejection be withdrawn in view of the cancellation of the claims in question.

**Allowable Subject Matter**

Claims 11 and 12 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant amended claims 11 and 12 in the response to the Office Action dated January 22, 2007 to place claim 11 in independent form and include the features of independent claim 9 and any intervening claims, and claim 12 to depend from claim 11. Applicant submits that claims 11 and 12 are in condition for allowance in accordance with the guidance given in the present and prior Office Actions, and requests that claims 11 and 12 be allowed.

Claims 5, 7, 18-22, and 30-35 were allowed. Applicant thanks the Examiner for the indication of allowable subject matter.

**RESERVATION OF RIGHTS**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

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**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date

*13 Sept 07*

By

*Timothy B. Clise*  
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13th day of September 2007.

Name

*Amy Moriarty*

Signature

*JZ*